IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1945 (ss) OF 2005

Jag Mehar Singh Sharma, S/o late Sri Kabool Singh, TG-II, 132-K.V. Sub-Station Majra, Dehradun. .....Petitioner.

Versus

1. Chairman/Managing Director, Uttaranchal Power Corporation, Urja Bhawan, Kanwali Road, Dehradun.
2. Director, Personnel, Uttaranchal Power Corporation, Urja Bhawan, Kanwali Raod, Dehradun.
3. Vikas Gupta, S/o not known, presently posted as 400 K.V. Electric Sub Station, Kashipur (U.S. Nagar)
4. Mayank Pant, S/o not known, presently posted at Electric Distribution, Ramnagar (Nainital).
5. Surendra Singh Bhandari, So not known, presently posted at Electric Parikshan, Almora.
6. Sunil Kumar, S/o not known, presently posted at Electric Parikshan Evam Parichalan, Haldwani (Nainital).
7. Ravi Arora, s/o not known, presently posted at Electric Distribution, Haridwar. .....Respondents.

07.02.2006

Sri B.P. Nautiyal, Advocate for the petitioner.
Sri B.D. Upadhyay, Advocate for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri B.P. Nautiyal, learned counsel for the petitioner and Sri B.D. Upadhyay, learned counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order of promotion dated 21st May, 2005 (Annexure 6) passed by the respondent no. 1 promoting the respondents nos. 3 to 7.

Briefly stated, the petitioner was appointed on 1st of October, 1975 as Sub- Station Attendant and on 15th January, 1977, he was promoted to the post of Junior Electrician and thereafter, he was confirmed on the said post on 1st April, 1980. Presently, he is posted as Technician Grade-II (Vidut) at 132 K.V. Mazra, Dehradun.

According to the case of the petitioner in the year, 2002, respondents invited applications from the eligible candidates for the post of Junior Engineer by promotion who is working with the respondent department. The petitioner applied for the said post of Junior Engineer as he is having requisite qualification for the post of Junior Engineer according to the qualification prescribed under Regulation 17 for appointment to the ordinary grade by promotion.

The grievance of the petitioner is that inspite of the representation made from time to time for the promotion on the post of Junior Engineer and his application having been forwarded for the said post, the petitioner has not been considered.

According to the petitioner, he is fully eligible for the said promotion on the said post of Junior Engineer, but the respondents nos. 1 and 2 have promoted respondents nos. 3 to 7.

The petitioner has represented on 26th May, 2005 and the said representation is still pending.

At the time of filing of the writ petition, on 21.12.2005 following order was passed:-

"Admit.

Mr. B.D. Upadhyay, Advocate accepts notice for respondents 1 and 2. Issue notice to other respondents.

Let the counter affidavit be filed within three weeks. Rejoinder, if any, may be filed within three weeks thereafter.

The Grievance of the petitioner is that junior to the petitioner has already been promoted, but the petitioner has not been promoted. If it is so, liberty is given to the petitioner to approach the authorities for the redressal of his grievances.

List after winter vacations."

Sri B.D. Upadhyay, learned counsel for the respondents has submitted that the representation filed by the petitioner from time to time shall be considered in accordance with law keeping in view the relevant service regulations as well as seniority between the petitioner and the appointees namely respondents no. 3 to 7.

In view of the aforesaid, the respondents are directed to consider the representation of the petitioner within a period of two months from the filing of the certified copy of the order keeping in view the seniority of the petitioner subject to the relevant service regulations as mentioned in paragraph 5 and 6 of the writ petition.

Writ petition is disposed of accordingly.

(Rajesh Tandon, J.)

Rathour